

G R S App F IX 4]

1946 - 47

File No 40-46

Previous References

(Ind)

Serial Nos 139 140

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

- 1200

Part B for

May 47

SUBJECT

Election of Mr. Neelkante Gowda as
Vice-president Malavalli town
Municipal Council Mandya D.

215650

875-47
FD

The Compiler, by
Notifies the —

14

Serial
No

From the D C Mandya District
No As 427/46 47 dated 17-4-47
recommends that the election of Mr Sreekanth Gowda
as the Vice President of the Malavalli Town ml comm
be approved and notified

1 The Malavalli Town ml Council, was
reconstituted for a period of three years with effect from
1-1-1947 as per G.O. No L 9096/ml/41 46-25 dated
25-12-1946

2 The reconstituted ml Council, in their meeting
held on 16-1-47, resolved to have a Vice President
for the Council

3 Accordingly in the meeting held on 12-2-47 for the purpose
on 12-2-47 the ml cl declared Mr Sreekanth Gowda
elected as Vice President of the ml Council

4 The other contesting candidate Mr M V Venkataswamy
filed an objection petition under rule 12 of the
Town ml election Rules

5 The D C Mandya Dist in submitting the details
report of the Enquiring officer, together with the remarks
of the ml President, recommends, for the reasons
stated in his letter, which is for kind perusal, that the
election of Mr Sreekanth Gowda as Vice President
of the Malavalli Town ml cl be approved & notified
Subd for orders

28/4

In the cases reported, the
recommendation of the D C Mandya
Dist to notify the election of Mr
Sreekanth Gowda as Vice President
of the Malavalli Town Council

Council may be approved

Rev. Secy 28/4/49

Serial
No

7 The D C has given clear reasons as to why he holds the election to be quite regular and according to law. The objections raised by the opposite party are frivolous and do not deserve any consideration. The election of M. Sreekant Gowda as Vice-President may be approved.

----- (for)

Rev. Secy

40
30/4

8

Appd

9 The S. D. C., though he was an Amildar for some years, seems to be lacking in the sense of appreciation & evidence. I cannot understand his conclusion. An officer who displays such immature judgement should not be entrusted with such engagements. I think it is better to put him as a second grade magistrate for some time at least, as he will then get training in the marshalling of facts & appreciation of evidence. This will be kept in view. The D.C. also told me that it was too easy.

OFFICE OF THE MINISTER
FOR REVENUE
No. 9570
Date 30/4/49

to have pushed him to the charge of a 8824
 Sub On that from important -
 Sub On like Mandya & that the officer
 was showing signs of indecision, want
 of calm thinking & judgement that
 it is desirable to post him for a
 year or two as Treasury officer or
 a second grade Magistrate

for
 1/5/47

11 10 Dft note please
 Subd into a draft notification
 5/5/47
 12 June 5/5/47

To
 the compiler Mysore gazette
 no L 13650-14046 140 2/7 5 47
 notifying the election of Mr Shreeganthe Gowda as the
 President of the Malavalli comm ml comm

To
 the O C Mandya Dist
 no L 13651 2/7 5 47
 copy of the above, with record

13) The file will be sent to
 the chief secretary, with reference
 the orders of the Minister for
 Comm - at para 9 supra



(For taking
 Extract & returning the file)

Chief Secy
 17/5/47
 Rev Secy
 7/5/47
 8/5/47
 9/5/47

Summary

4946
CB

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Relevant extracts are taken as the

files returned

Imp
19 5 47

Assy Secy w/c
LS & Por

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19/5/47

Am
19/5/47

20/5
20/5
20/5

No: A5 427
46-47(Enc Records)

Me 40-46-139
Office of the Deputy Commissioner,
Mandya District,
Mandya, Dated, 17th April 1947

8824
1117

From

K Mohamed Ahamed, Esq, B A,
Deputy Commissioner,
Mandya District, Mandya

To

H N Pallegar, Esq, M A, LL B,
Secretary to Government,
Revenue Department, Bangalore

Sir,

Sub Regarding the Vice Presidential Election to the Town
Municipal Council, Malavalli

I have the honour to state that consequent on the holding of the Vice Presidential Election, a report was received from the Amildar-President stating that Mr Sreekanth Gowda was declared successful in the Election. The other contesting candidate - Mr M V Venkatappa filed an objection petition under section 12 of the Election Rules supported by 3 other Municipal Councillors. The Sub Division Officer, Mandya was appointed as the enquiring Officer as per this office Memo No A5 427/46-7 dated 27th February 1947.

The detailed report of the enquiring Officer together with the remarks of the Municipal President is enclosed in the file for favour of information. Before drafting my report I thought it best to hear the petitioners either by themselves or through their lawyers. Mr Rudrappa appeared for the petitioners and Mr Mahabala Rao urged that he may also be heard, as an adverse decision taken would affect the interest of his client. As there would be no harm done to any party and as Mr Mahabala Rao was already allowed to appear for the successful candidate before the enquiring Officer, I thought it fit to hear him. Mr Rudrappa arguing for the petitioner stresses only three points

- 1 The Presiding Officer did not note on the Ballot paper that he had helped the three voters that wanted his help viz, M/s H K Mediah, Kamalachar, and V Govindasetty
- 2 Mr Govindasetty one of the Councillors had not voted in Ballot
- 3 The lot slips were not of the same size being not uniformly folded

P T O

In his petition, he had urged another ground which he did not press while arguing i.e. that the invalid votes were not shown to the Municipal Councillors

The First objection seems to be the most important with regard to which ample evidence has been recorded. The enquiring officer seems to be a little puzzled whether assistance was rendered in marking the votes or not. The remarks of the presiding authority are absolutely clear about it. He definitely states that he explained the Ballot paper in open Council and especially to M/s Govindasetty and Ameer Sab. I do not see any irregularity or defect in this procedure adopted by the Amildar. The Amildar is quite an experienced man in conducting the elections of the various bodies. If he had actually assisted in marking of the vote he would have surely noted the same on the Ballot paper.

From the evidence it is clear that except explaining the paper for the benefit of the Councillors who are either illiterate, disabled or did not know kannada, the Presiding authority did not take any further action about it.

Regarding objection No. 2 it is seen that the enquiring Officer has come to the conclusion on the interested evidence of the Councillors constituting one party. Mr. Govindasetty himself has stated that he marked the vote inside the room, folded the paper and brought it outside and put it in the box. The evidence is corroborated by M/s. Kamalachar and Ameer Sab. The Amildar President however has only stated that he did not notice anything special about this point, which obviously shows that Mr. Govinda Setty polled in the same manner as the other Councillors. I am unable to agree with the enquiring Officer who relies on one side of the version and concludes that the secrecy of the Ballot was not maintained.

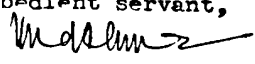
The third objection being that the lot slips were not uniformly folded. It was argued before me that there were 16 folds for each lot slip and Mr. Manabala Rao, counsel for the successful candidate who appeared before the enquiring Officer states that when the slips were taken out from the sealed Ballot Box by the enquiring Officer, one slip bore one fold less than the other. This is

is obviously a case where the last fold has unfolded itself when found in the sealed box ' It is again seen from the evidence that there are two definite opinions about one slip being more unfolded than the other In a body that is torn by faction like this Municipal Council, I think the statement of the Amildar has to be relied upon He mentions the procedure he followed If there was any folding or unfolding that materially affected the casting of the lot, objection should have been taken at that time alone The Amildar, however has not noticed any irregularity The enquiring Officer concludes that the proceedings are not entirely free from irregularities In my opinion there has absolutely been no irregularity and if there was any, objection would surely have been taken at the time of the casting of the lot

Since the 4th objection has not been pressed, I refrain from offering any remarks

To conclude it is seen from my remarks that I have offered with each item of objection that there is no irregularity committed which vitiates the Election The Municipal Council is split up into two definite factions and if one party swears to one thing, the other party will go to the extent of swearing that it is altogether false Under such circumstances one has to be extremely careful, while assessing the value of such evidence Therefore relying on the Amildar's statement and not basing any value on the discrepant evidence of the Municipal Councillors that form 2 definite factions in the Council, I conclude that there has been no irregularity in the Vice Presidential Election held by the Amildar President of Malavalli Town Municipal Council

I recommend therefore that the Election of Mr Sreekantegowda may be approved by Government and a Notification issued accordingly The entire file of records accompanies

I have the honour to be
Sir,
Your most obedient servant,

Deputy Commissioner,
Mandya District

typed
in two sets
10/15/47

Some time
18 Apr

L 15650-M 40-46-140 8824
27/5/47

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore

NOTIFICATION

Section 23 (4) of the Mysore
Under ~~Section 10 (4) of the Mysore~~

Town Municipalities Act 1933

~~Minor Municipalities Act, 1933~~

is elected Vice President of the

Town Municipal Council

~~Minor Municipal Council~~

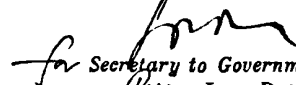
Mr Sreekanth Gowda

Malavalli

Mandya

District

By Order


For Secretary to Government
Law Department

To—The Compiler Mysore Gazette for publication in Part III-3 of Gazette and supply of five copies thereof to the Secretariat and to the Deputy Commissioner of the District Concerned

MEMO NO L 15651/7 S 47

Copy to the above is forward with compliments to the

Deputy Commissioner Mandya District for information

with reference to his letter No A6-427/46 dated 17-4-1947

The records accompany

By Order


For Secretary to Government
Law Department

RECEIVED
TYPING
17/5/47

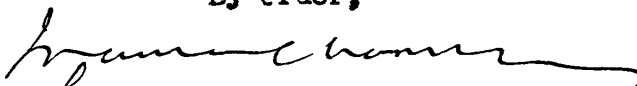
GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No *h 15650 MU 4046-140* General and Revenue Secretariat
Dated Bangalore *7th May* 19*37*

NOTIFICATION

Under Section 23 (4) of the Mysore Town
Municipalities Act, 1933, Mr. Sreehante Gowda is
elected Vice President of the Malavalli Town Municipal
Council, Mandya District.

By Order,


for Secretary to Government
Revenue Department.

To—The Compiler, Mysore Gazette, for publication in
Part III-3 of Gazette and supply of five copies thereof
to the Secretariat and to the Deputy Commissioner of the
District concerned.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No. *L 15650 ME 40-46-157* General and Revenue Secretariat
Dated Bangalore *7/12* May

NOTIFICATION

Under Section 23 (4) of the Mysore Town
Municipalities Act, 1933, Mr. Sreekanth Gowda is
elected Vice President of the Lalavalli Town Municipal
Council, Landya District.

By Order,


Secretary to Government,
Revenue Department.

To--The Compiler, Mysore Gazette, for publication in
Part III-3 of Gazette and supply of five copies thereof
to the Secretariat and to the Deputy Commissioner of the
District concerned.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Jo. L. 15350. All 40-4674 General and Revenue Secretariat
Dated Bangalore 7th May 1947

NOTIFICATION

Under Section 23(4) of the Mysore Town Municipalities Act, 1933, Mr Sreekante Gowda is elected Vice President of the Malavalli Town Municipal Council, Mandya District

By Order,


For Secretary to Government,
Revenue Department.

To

The Compiler, Mysore Gazette for publication in Part III-3 of Gazette and supply of five copies thereof to the Secretariat and to the Deputy Commissioner of the District concerned

SKG7

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No. *156521*

General and Revenue Secretariat
Dated Bangalore *7th* May 1947

NOTIFICATION

Under Section 23(4) of the Mysore Town Municipalities Act, 1933, Mr Sreekante Gowda is elected Vice President of the Malavalli Town Municipal Council, Mandya District

By Order,


For Secretary to Government,
Revenue Department

To

The Compiler, Mysore Gazette for publication in Part III-3 of Gazette and supply of five copies thereof to the Secretariat and to the Deputy Commissioner of the District concerned

SKG7

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